

Message Text

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63

ACTION L-03

INFO OCT-01 EUR-25 NEA-10 ISO-00 OIC-04 IO-13 SY-10 USSS-00

DOT-00 JUSE-00 SCA-01 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SPC-03 SS-15 ACDA-19 CAB-09

COME-00 EB-11 FAA-00 DRC-01 /160 W
----- 021495

O R 202140Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 0900

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TEL AVIV

AMCONSUL MONTREAL

USUN NEW YORK 1740

UNCLAS ROME 9979

E.O. 11652 N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: PROPOSED SOVIET PROTOCOLS

MONTREAL FOR US REP ICAO

PLS PASS LITTELL/CAB; DRISCOLL/DOT/ STEWART/FAA

1. FOLLOWING IS TEXT OF PROPOSED SOVIET PROTOCOL TO HAGUE
CONVENTION APPROVED BY CONFERENCE COMMITTEE OF WHOLE SEPT. 20.

BEGIN TEXT

ARTICLE I

THE PROVISIONS OF PARAGRAPH 2 OF ARTICLE 8 OF THE CONVENTION
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SHALL BE DELETED AND REPLACED BY THE FOLLOWING:

QTE 2. (A) EACH CONTRACTING STATE UNDERTAKES TO GIVE PREFERENCE TO THE EXTRADITION OF AN ALLEGED OFFENDER REQUESTED BY THE STATE OF REGISTRATION OF THE AIRCRAFT OR BY ANY OTHER CONTRACTING STATE ENTITLED TO REQUEST EXTRADITION, OVER THE SUBMISSION OF THE CASE TO ITS COMPETENT AUTHORITIES FOR THE PURPOSE OF PROSECUTION. THIS PROVISION SHALL NOT APPLY WHEN THE ALLEGED OFFENDER IS A NATIONAL OF THE REQUESTED STATE.

(B) IF A CONTRACTING STATE WHICH MAKES EXTRADITION CONDITIONAL ON THE EXISTENCE OF A TREATY RECEIVES A REQUEST FOR EXTRADITION FROM ANOTHER CONTRACTING STATE WITH WHICH IT HAS NO EXTRADITION TREATY, IT SHALL CONSIDER THIS CONVENTION AS THE LEGAL BASIS FOR EXTRADITION IN RESPECT OF THE OFFENCE.

(C) THE DECISION CONCERNING THE EXTRADITION SHALL, BOTH AS TO PROCEDURE AND SUBSTANCE, BE SUBJECT TO THE NATIONAL LAW AND PRACTICE OF THE REQUESTED STATE.

(D) THE PROVISIONS OF SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH SHALL NOT AFFECT OBLIGATIONS OF CONTRACTING STATES UNDER ANY EXTRADITION TREATY.

ARTICLE II

BETWEEN THE PARTIES TO THIS PROTOCOL, THE CONVENTION AND PROTOCOL SHALL BE READ AND INTERPRETED TOGETHER AS A SINGLE INSTRUMENT AND BE KNOWN AS THE HAGUE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT SIGNED AT THE HAGUE ON 16 DECEMBER 1970 AS AMENDED AT ROME, 1973.

ARTICLE III

THIS PROTOCOL SHALL BE OPEN FOR SIGNATURE ON BEHALF OF ANY STATE PARTY TO THE CONVENTION ON 21 SEPTEMBER 1973 AT ROME. AFTER 15 OCTOBER 1973 THE PROTOCOL SHALL BE OPEN FOR SIGNATURE TO ALL STATES PARTIES TO THE CONVENTION IN MOSCOW, LONDON AND WASHINGTON. ANY STATE PARTY TO THE CONVENTION WHICH DOES NOT SIGN THIS PROTOCOL BEFORE ITS ENTRY INTO FORCE IN ACCORDANCE WITH ARTICLE 4, PARAGRAPH 2 OF THIS PROTOCOL MAY INDICATE TO IT

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AT ANY TIME.

ARTICLE IV

1. THIS PROTOCOL IS SUBJECT TO RATIFICATION BY THE SIGNATORY STATES. THE INSTRUMENTS OF RATIFICATION AND ACCESSION SHALL BE DEPOSITED WITH THE DEPOSITARY GOVERNMENTS OF THE CONVENTION.

2. THIS PROTOCOL SHALL ENTER INTO FORCE THIRTY DAYS FOLLOWING THE DATE OF DEPOSIT OF INSTRUMENTS OF RATIFICATION BY TEN STATES SIGNATORY TO THIS PROTOCOL. FOR OTHER STATES, IT SHALL ENTER INTO FORCE THIRTY DAYS FOLLOWING THE DATE OF DEPOSIT OF THE INSTRUMENT OF ACCESSION TO THE PROTOCOL.

ARTICLE V

THE DEPOSITARY GOVERNMENTS SHALL PROMPTLY NOTIFY ALL SIGNATORY AND ACCEDING STATES OF THE DATE OF EACH SIGNATURE, THE DATE OF DEPOSIT OF EACH INSTRUMENT OF RATIFICATION OR ACCESSION, THE DATE OF ENTRY INTO FORCE OF THE PROTOCOL AND OTHER NOTICES.

ARTICLE VI

AS SOON AS THIS PROTOCOL COMES INTO FORCE, IT SHALL BE REGISTERED BY THE DEPOSITARY GOVERNMENTS PURSUANT TO ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS AND PURSUANT TO ARTICLE 83 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION (CHICAGO, 1944).

ARTICLE VII

1. ANY CONTRACTING STATE MAY DENOUNCE THE PROTOCOL BY WRITTEN NOTIFICATION TO THE DEPOSITARY GOVERNMENTS.

2. DENUNCIATION SHALL TAKE EFFECT SIX MONTHS FOLLOWING THE DATE ON WHICH NOTIFICATION IS RECEIVED BY THE DEPOSITARY GOVERNMENTS.

3. BETWEEN PARTIES TO THIS PROTOCOL DENUNCIATION OF THE CONVENTION IN ACCORDANCE WITH ARTICLE 14 OF THE CONVENTION SHALL MEAN ALSO DENUNCIATION OF THE PROTOCOL.

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IN WITNESS WHEREOF, THE UNDERSIGNED PLENIPOTENTIARIES, BEING DULY AUTHORIZED THERETO BY THEIR GOVERNMENTS, HAVE SIGNED THIS PROTOCOL.

DONE AT ROME, THIS TWENTY FIRST DAY OF SEPTEMBER, ONE THOUSAND NINE HUNDRED AND SEVENTY THREE, IN THREE ORIGINALS EACH BEING DRAWN UP IN FOUR AUTHENTIC TEXTS IN THE ENGLISH, FRENCH, RUSSIAN AND SPANISH LANGUAGES. END TEXT

2. FOLLOWING IS TEXT OF PROPOSED SOVIET PROTOCOL TO MONTREAL CONVENTION:

BEGIN TEXT

ARTICLE I

THE PROVISIONS OF PARAGRAPH 2 OF ARTICLE 8 OF THE CONVENTION
SHALL BE DELETED AND REPLACED BY THE FOLLOWING:

QTE 2. (A) EACH CONTRACTING STATE UNDERTAKES TO GIVE
PREFERENCE TO THE EXTRADITION OF AN ALLEGED OFFENDER REQUESTED
BY THE STATE ON WHOSE TERRITORY THE OFFENCE WAS COMMITTED OR
BY ANY OTHER CONTRACTING STATE ENTITLED TO REQUEST EXTRADITION,
OVER THE SUBMISSION OF THE CASE TO ITS COMPETENT AUTHORITIES
FOR THE PURPOSE OF PROSECUTION. THIS PROVISION SHALL NOT APPLY
WHAN THE ALLEGED OFFENDER IS A NATIONAL OF THE REQUESTED STATE.

(B) IF A CONTRACTING STATE WHICH MAKES EXTRADITION CONDITIO-
NAL ON THE EXISTENCE OF A TREATY RECEIVES A REQUEST FOR
EXTRADITION FROM ANOTHER CONTRACTING STATE WITH WHICH IT HAS
NO EXTRADITION TREATY, IT SHALL CONSIDER THIS CONVENTION AS
THE LEGAL BASIS FOR EXTRADITION IN RESPECT OF THE OFFENCES.
END TEXT

3. PARAS (C) AND (D) OF THIS ARTICLE AND ARTS. II-VII ARE
IDENTICAL TO THOSE CONTAINED IN SOVIET PROPOSAL ON PROTOCOL
TO HAGUE CONVENTION, WITH APPROPRIATE CHANGE IN REFERENCE WHERE
REQUIRED.VOLPE

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